

January 21, 2013

West Des Moines City Council Proceedings
Monday, January 21, 2013

Mayor Steven K. Gaer opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, January 21, 2013 at 5:30 PM. Council members present were: T. Ohmart, J. Sandager, K. Trevillyan, and R. Trimble.

On Item 1. Agenda. It was moved by Sandager, second by Trevillyan to approve the agenda as presented.

Vote 13-014: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Jim Sandager reported he attended a meeting of the Library Board of Trustees, where an update was given on the installation of a new integrated library system software. He also stated he will attend a Finance and Administration Subcommittee meeting on Wednesday and a Development and Planning Subcommittee meeting on Thursday.

Council member Trevillyan stated his quarterly Ward 1 town hall meeting will be held on Saturday, February 9th at 10:30 a.m.

On Item 4. Consent Agenda.

Council members pulled Item 4(f) for discussion. It was moved by Ohmart, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of January 7, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
 - 1. HOA Hotels, LLC d/b/a Johnny's Italian Steakhouse, 6075 Mills Civic Parkway - Class LB Liquor License with Carryout Wine, Sunday Sales, and Catering Privileges - Renewal
 - 2. Muldoon Enterprises LIC d/b/a WineStyles, 5515 Mills Civic Parkway, Suite 120 - Class BW Permit with Carryout Wine, Sunday Sales, and Outdoor Service Privileges - Renewal
- d. Approval of Settlement Agreement for First Violation of Alcohol Laws
- e. Approval of Haul Route - Interstate 35 Reconstruction (2013)
- g. Ordering Construction - 2012 PCC Patching Program, Phase 2

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- h. Approval of Engineering Services Agreement - Lower 9th Street Basin
- i. Acceptance of Public Improvements - South Maple Grove Plat 11 - Westown Parkway Improvements
- j. Acceptance of Public Improvements and Approval of Certifications of Completion - Woodland Hills Public Improvements

Vote 13-015: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 4(f) Approval of Appointment - Water Works Board of Trustees

Councilmember Trevillyan stated he will abstain due to a potential conflict of interest.

It was moved by Sandager, second by Trimble to approve Item 4(f) Approval of Appointment - Water Works Board of Trustees.

Vote 13-016: Ohmart, Sandager, Trimble...3 yes
Trevillyan...1 abstain due to a potential conflict of interest
Motion carried.

On Item 5(a) Amendment to City Code - Title 4 (Health And Safety Regulations), Chapter 5 (Solid Waste Control) - Allow Residents on Private Streets to Participate in the City's Solid Waste Collection and Recycling Program, initiated by the City of West Des Moines.

Mayor Gaer stated there was a split recommendation from the Public Works Subcommittee regarding a related issue of the City picking up storm debris on private streets.

Council member Ohmart expressed support for the City picking up storm debris on private streets as long as the streets can accommodate the City vehicles and a hold harmless agreement is in place, since the residents on private streets pay the same property taxes as residents on city streets.

Council member Trevillyan noted the Public Works Department is still picking up storm debris from the last snowstorm. He also stated that, since residents on private streets pay association fees and the outside property is owned and maintained by the homeowners association, the storm debris removal should be the association's responsibility.

Council member Sandager inquired if the City has ever used City equipment on private streets, and he expressed concerns that this could open the door for the City to provide snow removal or other public services for private streets.

Joe Cory, Deputy Public Works Director, responded the Public Works Department infrequently accesses some private streets, but since they are more difficult for the equipment to get around,

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they generally avoid them. He also stated the solid waste collection program, now contracted with MWA, does not require City equipment to access private streets.

Council member Trevillyan expressed concerns that the residents of private streets could request that the City replace any sod that is torn up by removing storm debris, since property on private streets does not have any public right-of-way.

Council member Sandager inquired if the consideration for storm debris removal came up as a result of a request from citizens.

Mayor Gaer stated staff had pointed out the City does not currently provide storm debris removal in private developments, so it was determined the Public Works Subcommittee should review the situation and consider if the City should provide that service. He suggested the storm debris removal policy can be left as-is and possibly reconsidered in the future if requested by citizens.

Council members Sandager and Trevillyan expressed agreement with Mayor Gaer's suggestion that this matter may be reconsidered in the future if requested by citizens.

It was moved by Trevillyan, second by Sandager to consider the second reading of the ordinance. to include solid waste only.

Vote 13-017: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the second reading of the ordinance.

Vote 13-018: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

It was moved by Trevillyan, second by Sandager to waive the third reading and adopt the ordinance in final form.

Vote 13-019: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(a) Mayor Gaer indicated this was the time and place for a public hearing to consider Southwoods Knoll, northeast corner of Mills Civic Parkway and South 50th Street - Amend Southwoods Knoll PUD as to Allowed Uses, initiated by Stanbrough Realty Co. L.L.C.. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 4, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated on a vote of 6-0, one member absent, the Plan and Zoning

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Commission recommended City Council approval of the proposed amendment.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Trimble, second by Ohmart to consider the first reading of the ordinance.

Vote 13-020: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trimble, second by Ohmart to approve the first reading of the ordinance.

Vote 13-021: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(b) Mayor Gaer indicated the applicant has requested the public hearing be continued to a later date regarding Jordan Creek Business Park PUD Amendment, northwest and southwest corners of Village View Drive and South 60th Street - Amend the PUD (Planned Unit Development) as to Allowed Uses, initiated by Jordan Creek Partners.

It was moved by Trevillyan, second by Trimble to continue Public Hearing to a Date Uncertain.

Vote 13-022: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 6(c) Mayor Gaer indicated this was the time and place for a public hearing to consider Southwest Connector, Phase III (southwesterly from Highway 28 approximately 1,500 feet), initiated by the City of West Des Moines. He asked for the date the notice was published and the City Clerk indicated the notice was published on January 4, 2013 in the Des Moines Register. Mayor Gaer asked if any written comments had been received. The City Clerk stated none had been received.

Mayor Gaer asked if there were any public comments; hearing none he declared the public hearing closed.

It was moved by Ohmart, second by Sandager to adopt Resolution - Approval of Plans and Specifications, Motion to Receive and File Report of Bids, and adopt Resolution to Award Contract to Elder Corporation.

Council member Trevillyan noted the lowest bid was \$600,000 lower than the engineer's estimate.

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Vote 13-023: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 7(a) Lincoln Street Park Plat 3, 300 block of Lincoln Street - Subdivide Lot 1, Lincoln Street Park Plat 2 into 3 Lots for Future Development, initiated by Lakeside Park Plaza, LC

It was moved by Sandager, second by Trimble to adopt Resolution - Approval of Preliminary Plat.

Vote 13-024: Ohmart, Sandager, Trevillyan, Trimble...4 yes
Motion carried.

On Item 8(a) Lincoln Street Park, 300 block of Lincoln Street - Amend the Planned Unit Development (PUD) to Change Parcel 4 Land Use Designation from General Industrial to High Density Residential - Lakeside Park Plaza, LC - Referred to Plan and Zoning Commission

On Item 9 - Other Matters

Council member Trevillyan inquired about the status of the proposed budget amendment that will include the hiring of two new police officers.

Jody Smith, Deputy City Manager/City Clerk, responded that will be included in budget amendment #3 which should come before the Council in the next six to eight weeks.

Council member Trevillyan inquired why there is a delay.

Jody Smith explained the City typically doesn't do budget amendments for one or two line item changes, but rather holds them until there are several changes, typically doing one or two budget amendments in the fall and one or two in the spring.

The meeting was adjourned at 5:51 p.m.

Respectfully submitted,

Ryan T. Jacobson
Deputy City Clerk

ATTEST:

Steven K. Gaer, Mayor